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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,756	11/10/2003	Gregory D. Fee	MS1-1809US	4286
22801	7590	10/28/2008		
LEE & HAYES PLLC 601 W Riverside Avenue Suite 1400 SPOKANE, WA 99201			EXAMINER BAYOU, YONAS A	
			ART UNIT 2434	PAPER NUMBER
			MAIL DATE 10/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/705,756

Applicant(s)

FEE ET AL.

Examiner

YONAS BAYOU

Art Unit

2434

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 8, 10, 11, 13, 14, 17-21, 24, 26, 27, 29, 30, 33-35 and 37-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 10-11, 13-14, 17-21, 24, 26-27, 29-30, 33-35, and 37-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/10/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to applicant's response filed on 09/22/2008.
2. Claims 1-5, 8, 10-11, 13-14, 17-21, 24, 26-27, 29-30, 33-35, and 37-43 are pending.
3. Claims 6-7, 9, 12, 15-16, 22-23, 25, 28, 31-32, 36 and 44-48 are cancelled.
4. Claims 1-2, 8, 10-11, 13-14, 17-18, 24, 26-27, 29-30, 33, and 37 are amended.
5. Applicant's arguments have been fully considered but they are not persuasive.
6. When responding to the Office action, Applicant is advised to clearly point out the patentable novelty the claims present in view of the state of the art disclosed by the reference(s) cited or the objection made. A showing of how the amendments avoid such references or objections must also be present. See 37 C.F.R. 1.111(c).

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/22/2008 has been entered.

Response to Arguments

1. Applicant's arguments with respect to claims 1-5, 8, 10-11, 13-14, 17-21, 24, 26-27, 29-30, 33-35, and 37-43 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

1. Claims are objected to because of the following informalities: on the remarks, on page 14, paragraph second:

22-25 should be changed to 33-35

21-32 should be changed to 31-32 and claim 36 should be added under the canceled claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-5, 8, 9-11, 13-14, 17-18, 20-21, 24, 26-27, 29-30, 33, 35, 37-39, 41-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Gong, US Patent No. 6,044,467 (hereinafter Gong).

Referring to claims 1, 2, 17, and 33, Gong teaches a computer program product, a system, a computer-readable medium and a method comprising:

receiving a manifest defining first and second code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trusted decision [**13:66 – 14:2, 14:30-35 and figs. 2B, 3-4**; policy object is corresponding to manifest];

evaluating the application evidence to determine if the at least one application is trusted [**13:66 – 14:2 and figs. 2B, 3-4**]; and

generating a first and a second permission grant set for the first and the second code assembly, respectively, that are members of the at least one application if the application evidence satisfies at least one condition for trusting the at least one application [**2:25-32 and 11:25-33**];

passing the permission grant to a run-time call stack [**12:16-33; 14:66-67 and fig. 2B**].

calling the second code assembly by the first code assembly, the second code assembly attempting access of a protected file **[13:66 – 14:2]**; and

calculating an intersection of the first and the second permission grant sets to determine whether the access to the protected file is permitted **[2:25-32 and 11:25-33]**.

Referring to claims 4, 5, 20, 21 and 35, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising evaluating application evidence at an application level/group level and a code assembly level before trusting the at least one application **[11:12-16, 13:66 – 14:2 and figs. 2B]**.

Referring to claims 8, 24, and 37, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising determining if the code assembly is a member of the at least one application **[7:20-25]**.

Referring to claims 10, 26 and 38, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based at least in part on evidence provided with the at least one application **[6:35-43]**.

Referring to claims 11, 27 and 39, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one

trust condition is based at least in part on evidence external to the at least one application [13:66 – 14:2].

Referring to claims 13, 29 and 41, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based on evidence from user interaction [10:31-39].

Referring to claims 14, 30 and 42, Gong teaches a computer program product, a system, a computer-readable medium and a method, wherein satisfying at least one trust condition is based on evidence from evaluation of previous trust decisions [13:66 – 14:2; the received code source corresponding to previous trust decisions].

Referring to claim 43, Gong teaches a computer program product, a system, a computer-readable medium and a method further comprising a security policy specification defining the condition [11:58 – 12:5-11 and fig. 2B].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter

as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 3, 19, 34 and 40 are rejected under 35 U.S.C. 103(a) as being obvious over Gong Patent No. 6,044,467 in view of Lao et al. Pub. No. US 2003/0220880 A1.

Referring to claims 3, 19, 34 and 40, Gong teaches a method of receiving a manifest defining first and second code assemblies that are members of at least one application, wherein the manifest defines at least one trusted application and application evidence for making a trusted decision (see claim 1 above). Gong further teaches generating a permission grant set for each code assembly **[6:45-50]**. Gong does not appear to explicitly teach a method wherein evaluating application evidence is based at least in part on an XrML license. However, Lao teaches a method such that access is granted based on a license, such as an XrML license, and the like, can be presented **[paragraph 0166]**. Gong and Lao are analogous art because both teach application security.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the method of Gong to include a method such that access is granted based on a license, such as an XrML license of Lao because XrML license controls and specifies a manner of use of consumption of a distributed network service, please see KSR International Co. v. Teleflex Inc., 550 U.S., 82 USPQ2d 1385 (2007) for further interpretation.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YONAS BAYOU whose telephone number is (571)272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yonas Bayou/

Examiner, Art Unit 2434

10/23/2008

/Kambiz Zand/

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Supervisory Patent Examiner, Art Unit 2434